

### **III. REMARKS**

Claim 3 has been amended to better conform to U.S. practice. The amendment is supported by page 11, line 20. New claims 34-38 respectively correspond to allowable claims 11, 17-19 and 31 rewritten in independent form and are therefore allowable.

Claims 1, 12-16, 20-22, 24, 26-27 and 32-33 are not unpatentable under 35 U.S.C. 102(e) in view of Pecen.

Claims 1 and 24 respectfully recite a method and a device for correcting an AGC reference level in a receiver on the basis of signal strength measured during reception of each valid radio block. Claims 1 and 24 have been amended to recite that the reference level is determined and selected in the receiver to further clarify this point. The automatic gain control of the receiver does not relate to selecting the transmission power. The automatic gain control relates to the operation of the receiver and not to the transmitter.

In Pecen the transmitter receives signal quality measurements from the receiver and adjusts the transmit power accordingly, such that the receiver correctly receives the data packets. This is totally different from what is claimed. Thus the rejection of the above claims should be withdrawn.

Further, since correcting the reference level at the receiver is not remotely suggested by Pecen, these claims are not obvious in view of Pecen.

Claims 2, 5-6, 8-10, 25, 28 and 30 are not unpatentable under 35 U.S.C. 103(a) over Pecen.

For the reasons given above (correcting a receiver reference level is totally different from adjusting transmitter power), the rejection of these claims should also be withdrawn.

Claims 3 and 7 are not unpatentable under 35 U.S.C. 103(a) over Pecen in view of Oliver.

Since Oliver also fails to disclose the above-discussed receiver reference level correction feature, combining it with Pecen fails to result in the invention as recited in claims 3 or 4. Thus the rejection of these claims should be withdrawn.

Claims 4 and 29 are not unpatentable under 35 U.S.C. 103(a) over Pecen in view of Eriksson.

Similarly, Eriksson fails to disclose the reference level correction feature. Thus combining it with Pecen does not result in the invention recited in claims 4 and 29. Hence the rejection of these claims should be withdrawn.

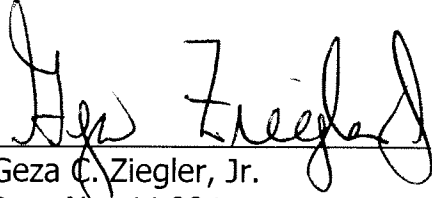
Claim 23 is not unpatentable under 35 U.S.C. 103(a) over Pecen in view of admitted prior art.

The admitted prior art also fails to disclose the above feature. Thus combining it with Pecen does not result in the invention recited in claim 23. Thus this rejection should also be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment of \$2270.00 for the additional claims fees and three month extension of time as well as any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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22 August 2006  
Date

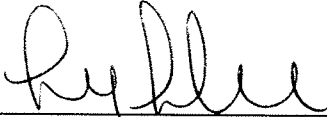
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Person Making Deposit